

REMARKS

Applicants respectfully request reconsideration of this application as amended.

Claims 1-4, 10-11, 20-23 and 25 have been amended. Claims 5, 8-9, 13-19, 24 and 27-28 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-4, 7, 10-12, 20-23 and 25-26 are presented for examination.

35 U.S.C. § 103 Rejection

Claims 1-4, 6-8, 10-13, 20-23 and 25-27 stand rejected under 35 U.S.C. §103(a), as obvious over Margolus et al., U.S. Patent Publication No. 2004/0143743 (“Margolus”).

Margolus discloses a “method by which *more than one client program connected to a network stores the same data item on a storage device* of a data repository connect to the network.” (Abstract; Paragraph 0010; emphasis provided). Margolus further discloses the “use [of] *fingerprints to identify redundant data* and avoid unnecessary transmission and storage of data . . .” (page 1, paragraph 0009; emphasis provided). The data is tested to determine “whether [it] is already stored in the repository, by comparing [*the*] digital fingerprints of the data items [*with the*] digital fingerprints of data items already in storage in the repository.” (page 2, paragraph 0011; emphasis provided).

In contrast, claim 1, in pertinent part, recites, “combining the first plurality of message digests into a single client message digest [and] comparing the single client message digest with the single repository message digest to determine file contents that do not match.” (emphasis provided). Margolus does not teach or reasonably suggest such a feature. The *digital fingerprints* in Margolus are not equivalent to the message

digests, as recited in claim 1; however, to the extent that they are equivalent Margolus still fails to teach or reasonably suggest “combining the first plurality of message digests into a single client message digest” as recited in claim 1. (emphasis provided). Stated differently, there is an individual *digital fingerprint* for each data item, but the *digital fingerprints* are not combined into a single fingerprint, as in claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 10 and 20 contain limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 10 and 20 and their dependent claims.

Claims 9, 14 and 28 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Margolus in view of Cox, et al., U.S. Patent No. 6,438,724 (“Cox”). Claims 9, 14 and 28 have been cancelled, thus obviated the rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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